Judge Merritt and the County Attorney Have a Tilt.

HAYKEN CASE.

VOLUMINOUS ARGUMENTS ON MO-TION FOR CONTINUANCE.

Whittemore Says If the Continuance County Attorney Whittemore deposed that he nor any attorney for the prosecution. Then the Prosecuting Officers and the Court Will incur the Scorn and Derision of the Public—Merritt Will Decide According to the Law, Without Considering to the Law, Without Considering the Scorn.

County Attorney Whittemore deposed that he nor any attorney for the prosecution had not intimidated witnesses or attempted to prevent the taking of depositions. Neither had they employ-toest defendant getting depositions.

Mr. Varian made depositions relative to the time the orders to take depositions were sent off tending to show that the defense had had ample time to get the depositions of all the witnesses mamed in the affidavit.

Nearly the whole of yesterday was occupied in Chief Justice Merritt's court with the hearing of arguments on motion for a continuance of the trial of Martin Hayken, charged with bribing ex-Selectmen Morris, Cahoon and Bamberger in connection with the purchase of the furniture for the the purchase of the furniture for the county's half of the joint city and county building. It had been previously arranged that Judge King would hear the case, but this was changed so that it came before the chief justice. The arguments on the motion for a continuance were quite voluminous. The continuance in short was asked for the reason that the defendant had not been able to obtain the depositions of certain parties in Chicago because, as was alleged, the prosecution through leged, the prosecution through Mr. Weary had used undue influence with the witnesses to prevent their testifying. Affidavits and counter af-fidavits were introduced on this question. The arguments were uninter-esting except towards the close when County Attorney Whittemore as a peroration to his argument against the continuance said that if the mecounty Attorney Whittemore as a attorney Attorney Whittemore as a for the continuance, said Mr. Whittemore the continuance said that if the motion of the defendant was allowed and the case went over it would be fazal to the prosecution, as they could never again bring the evidence and the witnesses they now had to prosecute Hayken. If the continuance was court.

Mr. Brown's Talk.

Attorney Arthur Brown, arguing for the continuance, said Mr. Whittemore, and Mr. Whittemore and he threatened the court with the scorn of the people.

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Mr. Brown's Talk. cute Hayken. If the continuance was court. Countaken that the prosecution of criminals had become a farce and the prosecuting officers and the court materials.

The streets and the streets of the streets and the streets are street and the streets and the streets are street and the street and the streets are street and the street and the street are street are street are street are street are street and the street are stre representations made by said Weary, all three, Messrs. F. O. Barmann, F. O. Barmes and F. M. Carsley, refused to have their depositions taken. Deponent, however, succeeded in getting Bauman's depositions but not the others and M. Was necessary to all the said to the control of the said to the

WHITTEMORE'S THREAT are filmsy in the extreme, and more are filmsy in the extreme, and more especially with regard to the securing of Mr. Carsiey, as an exert witness to testify as to the real value of the furniture in controversy. They state that no such expert testimony can be secured this side of Chicago, but I say to the court that witnesses competent to pass on the value of that furniture, can be had right here in Siat Lake.

Counter Affidavits. Mr. Varian offered counter affidavits, the introduction of which was objected to by counsel for the defense. His honor, however, said he would hear them and decide afterwards if he would consider them. Counsel read one by Weary, in which he denied having int timidated witnesses for the defense, and stated that he hadn't seen Carsley

County Attorney Whittemore deposed

nesses named in the affidavit.

Mr. Whitemore made a few remarks present case, persons entirely outside and cited authorities to show that the counter affidavits offered by the prosecution should be committed and considered. He also held that the value that it would be a good thing to brighten up the lives of the walfs, sidered. He also held that the value then should they receive the hearty and cited authorities to show that the counter affidavits offered by the prostudion should be committed and considered. He also held that the value of the furniture cut no figure as to whether the crime of bribery had been costs but a few cents to make glad committed, and therefore the testimony of these expert witnesses was or little or no value. He also contended that due diligence had not been exercised by the defendant. If the case was further postored counter tibutions only from men and women

# Mr. Brown's Talk.

Counsel then went on to argue that

granted, counsel said, it would be taken that the prosecution of criminals had become a farce and the prosecuting officers and the court would become the scorn and derision of an indignant public.

Counsel then went on to argue that the court was the defense, that the evidence desired was material and that according to law and usage the defense was entitled to continuance.

show the second and derision a lindignant public.

Is threat against the court called in a swift and ringing reluie from the case of the case to trial to get the prosecution had expended 376 in pringing witnesses and they wanted to force the case to trial to get the second or derision of anyone, and the prosecution had expended 376 in pringing witnesses and they wanted to force the case to trial to get the second or derision of anyone, and the prosecution had expended 376 in pringing witnesses and they wanted to force the case to trial to get the second or derision of anyone, and the second of the second of the decision.

After the close of the arguments his sour took the case under advisement of the wild give his decision.

Soon after his bonor took his seat on the bench the case was called. Althorney Arthur Brown and Attorney Arthur Brown said the deficience of the derivation of the definition of the derivation of the definition of the second of the se

an abrupt termination, even if the court was in the middle of the hearing.

Mr. Brown said however that might be the defense was not ready and referred to the acting of the properties of the notice of motion for a continuance which had been given before ladge King on December 10, and mentioned the fact that an indictment had been returned by the grand jury in October 14, which he said had not been served until November 5.

Alleged Stolen Letters.

He then read the afficult of Hayken in which he referred to certain letters which he alleged had been stolen from him and from the firm of Andrews and company and which were now in the hands of the prosecution. The affidation of the law, this man is entitled to a continuance. I shall grant it and company and which were now in the hands of the prosecution. The affidation of the law, this man is entitled to a continuance. I shall grant it and company and which were now in the parable of the prosecution. The affidation of the people with the court that the people would seem a large for administering the law.

Judge Hernderson then said he wished to explain that he did not refer to the defense was not ready and referred to the scoint done to the pople if a continuance was granted. He meant in no way to apply this to the court. Judge Merritt—I think your zeal probably got the better of your politeness. The court has always been considerate.

He then read the afficult of Hayken in which he referred to certain letters which he alleged had been stolen from him and from the firm of Andrews and company and which were now in the hands of the propose of the feat that the deponent had gone to Chicago for the purpose of attending to the taking of depositions in the case and found that Mr. Weary half visited three of the court took the case under advisement until this morning.

Sunday Schools of the Sait Lake stake heid to explain the court took the case under advisement until this morning.

Sunday Schools of the Sait Lake stake heid to explain the court took the defendant's morning

posited in the said bank by G. W. E. POWER COMPANY WINS

E. H. Rollins & Sons have begun suit in the Third district court against James W. Whitehead, fr., to recover \$12,175 on promissory notes secured by deeds of the control of

\$12,175 on promissory notes secured by deeds of trust.

F. O. Harrison has filed an action in the Third district court against Henry G. Rand and Attorney David B. Hempstead to recover \$1,500 on a bond conditioned on the delivery of 1,000 head of cattle. Williams, Van Cott and Sutherland appear as attorneys for the plaintiff.

# THE ORPHANS' HOME

Bachelors and Married People Minns Children Should at Once Re- Selectman Christopherson Dissents

much, in fact, they are now doing a Whittemore Threatens the Court. great deal, but whenever, as in the

that due diligence had not been exercised by the defendant. If the case was further postponed, county sell said the prosecution could never again bring the evidence they now had to prosecute Hayken and the case would probably fall to the ground.

If it was continued it would be said that the prosecution of criminals was becoming a farce and the prosecution and this court would be held up to the scorn and derision of an indignant people.

Judge Merritt—I don't care anything about that. I am going to decide this case according to the law. I care nothing for anybody's scorn.

Mr. Brown's Talk.

Estate of Nathan Hanson, deceased; order made allowing family \$20 per month from the date of death of de-ceased during progress of administra-tion,

of H. M. Halvorson, deceased: Administrator C. F. Loofbou-row's report approved, account allowed and decree of notice to creditors made. Estate of James Thompson,

County Court Wrestles with the Cottonwood Controversy

IT WILL BE CARRIED UP

FINAL SETTLEMENT LEFT FOR THE DISTRICT COURTS.

-Judge Judd Presents a Demand -The Farrell Claim-Attorney Whittemore Hands in an Opinion Regarding the Charges of Sheep Inspectors-Minor Matters Con-

The controversy between the Big Cottonwood Power company and the residents in the neighborhood of Cottonwood canyon was again ventilated at yesterday's session of the county tory at least for the power company. The fight is settled as far as the county court is concerned, but, as previously predicted, the matter will now be taken into the district courts for final

When the court convened in the morning the legal representatives of all interested parties were on hand, apparently eager to resume hostilities of the forenoon was consumed in wrangling on technicalities. Mr. Whitt temore in his opinion cited that the county court must maintain all highways free from obstruction. The old road had been in use by the people for many years, and the people con-tinued to use it until obstructed by the power company, and unless for such obstructions the road would have conobstructions the road would have continued to be in general use. The legislature, he thought, did not intend to vest in county courts the power to take away from people against protest, their right to use an old established road, and the duty of the court under the law was to keep the roads free from obstruction. It any obstruction had been placed in a public highway by the power company the court had power to direct its removal. The attorney, however, thought the company had a right to take a portion of the road under the law of eminent domain, but it must do so in a regular manner, and any unauthorized seizure

mand for a warrant on the county treasurer for the sum of \$4.714.10, the proportion of territorial and the terri-torial school taxes due from redemp-tion for the years 1893 and 1894. A request was also made for a warrant of 84,039.96, due to the same munici-nalities for taxes on property bought in by the county that had not been

SUNDAY SCHOOL

Large Attendance of Officers and

Workers at the Meeting.

The officers and teachers of the Sunday schools of the Salt Lake stake held their regular meeting last evening in the Fourteenth ward assembly rooms. Superintendent Thomas C. Griggs presiding.

Tedeemed.

Both requests were refused, based on the supreme county administration had exceeded the limit of indebtedness, and in appropriating the money belonging to the territory they had incurred an illegal indebtedness.

These proceedings were simply a formality to bring the much disputed question to a test in the higher courts.

Judge McKay appeared and filed an



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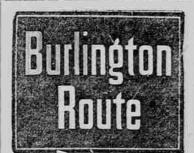
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opinion from County Attorney Whitte-more on the question of jurisdiction, however, acted as a damper on the main proceedings, and the greater part suitable for old and young. True, we don't keep toys, but we have Air Guns, Footballs, Baseballs, Bats, MOSES THATCHER ... Vice-President Boxing Gloves, Skates, Dumb Bells, Indian Clubs and such goods as every youth and small boy delights in. Then we have Kodaks from \$5 to \$60. The pocket Kodak is a marvel of perfection, being interesting and instructive, both to old and young. It will take a picture 11/2 by 2 inches and is truly an educato. Come and see us.

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across the BS Control of the new road for a period of ten years.

The passage of the resolution settled the matter before the county court, and all parties seemed satisfied to have the matter come before the district court.

Judge Judd appeared in behalf of Judge Judd appeared in behalf of the territory and made a formal define t

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No. 1-From Provo, Grand
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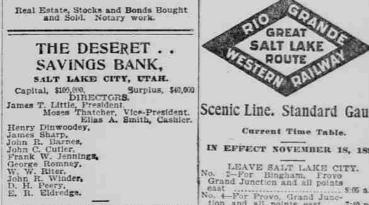
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